



General Assembly

***Proposed Substitute
Bill No. 333***

February Session, 2012

LCO No. 2864

***AN ACT CONCERNING THE MEMBERSHIP OF THE CONNECTICUT
RESOURCES RECOVERY AUTHORITY'S BOARD OF DIRECTORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) There is hereby established and created a body politic and
4 corporate, constituting a public instrumentality and political
5 subdivision of the state of Connecticut established and created for the
6 performance of an essential public and governmental function, to be
7 known as the Connecticut Resources Recovery Authority. The
8 authority shall not be construed to be a department, institution or
9 agency of the state.

10 [(b) On and before May 31, 2002, the powers of the authority shall
11 be vested in and exercised by a board of directors, which shall consist
12 of twelve directors: Four appointed by the Governor and two ex-officio
13 members, who shall have a vote including the Commissioner of

14 Transportation and the Commissioner of Economic and Community
15 Development; two appointed by the president pro tempore of the
16 Senate, two by the speaker of the House, one by the minority leader of
17 the Senate and one by the minority leader of the House of
18 Representatives. Any such legislative appointee may be a member of
19 the General Assembly. The directors appointed by the Governor under
20 this subsection shall serve for terms of four years each, from January
21 first next succeeding their appointment, provided, of the directors first
22 appointed, two shall serve for terms of two years, and two for terms of
23 four years, from January first next succeeding their appointment. Any
24 vacancy occurring under this subsection other than by expiration of
25 term shall be filled in the same manner as the original appointment for
26 the balance of the unexpired term. Of the four members appointed by
27 the Governor under this subsection, two shall be first selectmen,
28 mayors or managers of Connecticut municipalities; one from a
29 municipality with a population of less than fifty thousand, one from a
30 municipality of over fifty thousand population; two shall be public
31 members without official governmental office or status with extensive
32 high-level experience in municipal or corporate finance or business or
33 industry, provided not more than two of such appointees shall be
34 members of the same political party. The chairman of the board under
35 this subsection shall be appointed by the Governor, with the advice
36 and consent of both houses of the General Assembly and shall serve at
37 the pleasure of the Governor. Notwithstanding the provisions of this
38 subsection, the terms of all members of the board of directors who are
39 serving on May 31, 2002, shall expire on said date.]

40 [(c) On and after] (b) From June 1, 2002, to June 30, 2012, inclusive,
41 the powers of the authority shall be vested in and exercised by a board
42 of directors, which shall consist of eleven directors as follows: Three
43 appointed by the Governor, one of whom shall be a municipal official
44 of a municipality having a population of fifty thousand or less and one
45 of whom shall have extensive, high-level experience in the energy
46 field; two appointed by the president pro tempore of the Senate, one of
47 whom shall be a municipal official of a municipality having a

48 population of more than fifty thousand and one of whom shall have
49 extensive high-level experience in public or corporate finance or
50 business or industry; two appointed by the speaker of the House of
51 Representatives, one of whom shall be a municipal official of a
52 municipality having a population of more than fifty thousand and one
53 of whom shall have extensive high-level experience in public or
54 corporate finance or business or industry; two appointed by the
55 minority leader of the Senate, one of whom shall be a municipal official
56 of a municipality having a population of fifty thousand or less and one
57 of whom shall have extensive high-level experience in public or
58 corporate finance or business or industry; two appointed by the
59 minority leader of the House of Representatives, one of whom shall be
60 a municipal official of a municipality having a population of fifty
61 thousand or less and one of whom shall have extensive, high-level
62 experience in the environmental field. No director may be a member of
63 the General Assembly. Not more than two of the directors appointed
64 by the Governor shall be members of the same political party. The
65 appointed directors shall serve for terms of four years each, provided,
66 of the directors first appointed for terms beginning on June 1, 2002, (1)
67 two of the directors appointed by the Governor, one of the directors
68 appointed by the president pro tempore of the Senate, one of the
69 directors appointed by the speaker of the House of Representatives,
70 one of the directors appointed by the minority leader of the Senate and
71 one of the directors appointed by the minority leader of the House of
72 Representatives shall serve an initial term of two years and one month,
73 and (2) the other appointed directors shall serve an initial term of four
74 years and one month. The appointment of each director for a term
75 beginning on or after June 1, 2004, shall be made with the advice and
76 consent of both houses of the General Assembly. The Governor shall
77 designate one of the directors to serve as chairperson of the board,
78 with the advice and consent of both houses of the General Assembly.
79 The chairperson of the board shall serve at the pleasure of the
80 Governor. Any appointed director who fails to attend three
81 consecutive meetings of the board or who fails to attend fifty per cent
82 of all meetings of the board held during any calendar year shall be

83 deemed to have resigned from the board. Any vacancy occurring other
84 than by expiration of term shall be filled in the same manner as the
85 original appointment for the balance of the unexpired term. As used in
86 this subsection, "municipal official" means the first selectman, mayor,
87 city or town manager or chief financial officer of a municipality that
88 has entered into a solid waste disposal services contract with the
89 authority and pledged the municipality's full faith and credit for the
90 payment of obligations under such contract. Notwithstanding the
91 provisions of this subsection, the terms of all members on the board of
92 directors who are serving on September 30, 2012, shall expire on said
93 date.

94 (c) On and after October 1, 2012, the powers of the authority shall be
95 vested in and exercised by a board of directors, which shall consist of
96 thirteen directors as follows: Five municipal officials, one each
97 appointed by the Governor, the president pro tempore of the Senate,
98 the speaker of the House of Representatives, the minority leader of the
99 Senate and the minority leader of the House of Representatives; three
100 representatives of municipalities having a population of thirty
101 thousand or more, each of whom shall be elected by the vote of all
102 municipalities having a contractual relationship with the authority;
103 one municipal official from the city of Hartford, selected by the city's
104 legislative body; and four representatives of municipalities having a
105 population of less than thirty thousand, each of whom shall be elected
106 by the vote of all municipalities having a contractual relationship with
107 the authority. The appointed directors shall serve for terms of four
108 years each, provided, of the directors first appointed for terms
109 beginning on October 1, 2012, the directors appointed by the president
110 pro tempore of the Senate and the speaker of the House of
111 Representatives shall serve an initial term of two years and one month
112 and the other appointed directors shall serve an initial term of four
113 years and one month. Four of the elected directors shall serve an initial
114 term of two years and four of the elected directors shall serve an initial
115 term of four years. No director shall serve more than eight consecutive
116 years. The board shall elect one of the directors to serve as chairperson

117 of the board for a term of two years but not more than four consecutive
118 years. Any director who fails to attend three consecutive meetings of
119 the board or who fails to attend fifty per cent of all meetings of the
120 board held during any calendar year shall be deemed to have resigned
121 from the board. Any vacancy occurring other than by expiration of
122 term shall be filled in the same manner as the original appointment for
123 the balance of the unexpired term. As used in this subsection,
124 "municipal official" means the first selectman, mayor, city or town
125 manager or chief financial officer of a municipality that has entered
126 into a solid waste disposal services contract with the authority and
127 pledged the municipality's full faith and credit for the payment of
128 obligations under such contract.

129 (d) The chairperson shall, with the approval of the directors,
130 appoint a president of the authority who shall be an employee of the
131 authority and paid a salary prescribed by the directors. The president
132 shall supervise the administrative affairs and technical activities of the
133 authority in accordance with the directives of the board.

134 (e) Each director shall be entitled to reimbursement for said
135 director's actual and necessary expenses incurred during the
136 performance of said director's official duties.

137 (f) Directors may engage in private employment, or in a profession
138 or business, subject to any applicable laws, rules and regulations of the
139 state or federal government regarding official ethics or conflict of
140 interest.

141 (g) [~~Six~~] Seven directors of the authority shall constitute a quorum
142 for the transaction of any business or the exercise of any power of the
143 authority, provided, two directors from municipal government shall be
144 present in order for a quorum to be in attendance. For the transaction
145 of any business or the exercise of any power of the authority, and
146 except as otherwise provided in this chapter, the authority shall have
147 power to act by a majority of the directors present at any meeting at
148 which a quorum is in attendance. If the legislative body of a

149 municipality that is the site of a facility passes a resolution requesting
150 the Governor to appoint a resident of such municipality to be an ad
151 hoc member, the Governor shall make such appointment upon the
152 next vacancy for the ad hoc members representing such facility. The
153 Governor shall appoint with the advice and consent of the General
154 Assembly ad hoc members to represent each facility operated by the
155 authority provided at least one-half of such members shall be chief
156 elected officials of municipalities, or their designees. Each such facility
157 shall be represented by two such members. The ad hoc members shall
158 be electors from a municipality or municipalities in the area to be
159 served by the facility and shall vote only on matters concerning such
160 facility. The terms of the ad hoc members shall be four years.

161 [(h) There is established, effective June 1, 2002, a steering committee
162 of the board of directors, consisting of at least three but not more than
163 five directors, who shall be jointly appointed by the Governor, the
164 president pro tempore of the Senate and the speaker of the House of
165 Representatives. Said committee shall consist of at least one director
166 who is a municipal official, as defined in subsection (c) of this section.
167 The steering committee shall forthwith establish a financial
168 restructuring plan for the authority, subject to the approval of the
169 board of directors, and shall implement said plan. The financial
170 restructuring plan shall determine the financial condition of the
171 authority and provide for mitigation of the impact of the Connecticut
172 Resources Recovery Authority-Enron-Connecticut Light and Power
173 Company transaction on municipalities which have entered into solid
174 waste disposal services contracts with the authority. The steering
175 committee shall also review all aspects of the authority's finances and
176 administration, including but not limited to, tipping fees and
177 adjustments to such fees, the annual budget of the authority, any
178 budget transfers, any use of the authority's reserves, all contracts
179 entered into by or on behalf of the authority, including but not limited
180 to, an assessment of the alignment of interests between the authority
181 and the authority's contractors, all financings or restructuring of debts,
182 any sale or other disposition or valuation of assets of the authority,

183 including sales of electricity and steam, any joint ventures and
184 strategic partnerships, and the initiation and resolution of litigation,
185 arbitration and other disputes. The steering committee (1) shall have
186 access to all information, files and records maintained by the authority,
187 (2) may retain consultants and utilize other resources necessary to
188 carry out its responsibilities under this subsection, which have a total
189 cost of not more than five hundred thousand dollars, without the
190 approval of the board of directors, and may draw on accounts of the
191 authority for such costs, and (3) shall submit a report to the board of
192 directors and the General Assembly, in accordance with section 11-4a,
193 on its findings, progress and recommendations for future action by the
194 board of directors in carrying out the purposes of this subsection, not
195 later than December 31, 2002. Said report shall also include a report on
196 any loans made to the authority under section 22a-268d. The steering
197 committee shall terminate on December 31, 2002, unless extended by
198 the board.]

199 [(i)] (h) The board may delegate to three or more directors such
200 board powers and duties as it may deem necessary and proper in
201 conformity with the provisions of this chapter and its bylaws. At least
202 one of such directors shall be a municipal official, as defined in
203 subsection (c) of this section, and at least one of such directors shall not
204 be a state employee.

205 [(j)] (i) Appointed directors may not designate a representative to
206 perform in their absence their respective duties under this chapter.

207 [(k)] (j) The term "director", as used in this section, shall include
208 such persons so designated as provided in this section and this
209 designation shall be deemed temporary only and shall not affect any
210 applicable civil service or retirement rights of any person so
211 designated.

212 [(l)] (k) The appointing authority for any director may remove such
213 director for inefficiency, neglect of duty or misconduct in office after
214 giving the director a copy of the charges against the director and an

215 opportunity to be heard, in person or by counsel, in the director's
 216 defense, upon not less than ten days' notice. If any director shall be so
 217 removed, the appointing authority for such director shall file in the
 218 office of the Secretary of the State a complete statement of charges
 219 made against such director and the appointing authority's findings on
 220 such statement of charges, together with a complete record of the
 221 proceedings.

222 [(m)] (l) The authority shall continue as long as it has bonds or other
 223 obligations outstanding and until its existence is terminated by law.
 224 Upon the termination of the existence of the authority, all its rights and
 225 properties shall pass to and be vested in the state of Connecticut.

226 [(n)] (m) The directors, members and officers of the authority and
 227 any person executing the bonds or notes of the authority shall not be
 228 liable personally on such bonds or notes or be subject to any personal
 229 liability or accountability by reason of the issuance thereof, nor shall
 230 any director, member or officer of the authority be personally liable for
 231 damage or injury, not wanton or wilful, caused in the performance of
 232 such person's duties and within the scope of such person's
 233 employment or appointment as such director, member or officer.

234 [(o)] (n) Notwithstanding the provisions of any other law to the
 235 contrary, it shall not constitute a conflict of interest for a trustee,
 236 director, partner or officer of any person, firm or corporation, or any
 237 individual having a financial interest in a person, firm or corporation,
 238 to serve as a director of the authority, provided such trustee, director,
 239 partner, officer or individual shall abstain from deliberation, action or
 240 vote by the authority in specific respect to such person, firm or
 241 corporation. [MC1]

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2012	22a-261
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